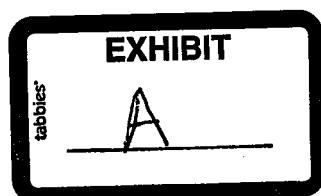


Case Docket Entries

CC-19-2022-C-77

Court: **Circuit** County: **19 - Jefferson** Created Date: **6/23/2022** Security Level: **Public**
 Judge: **Debra McLaughlin** Case Type: **Civil** Case Sub-Type: **Other** Status: **Open**
 Related Cases:
 Style: **Robert Turner v. John Andrew Goff**

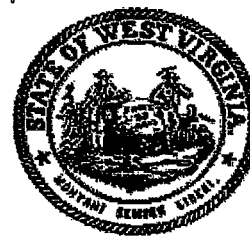
| | <u>Entered Date</u> | <u>Event</u> | <u>Ref. Code</u> | <u>Description</u> |
|----|-----------------------|---|------------------|---|
| 1 | 6/23/2022 2:16:52 PM | E-Filed | | Complaint |
| | 1-1 6/23/2022 | Civil Case Information Statement | | |
| | 1-2 6/23/2022 | Complaint - Complaint | | |
| | 1-3 6/23/2022 | Transmittal | | |
| | 1-4 6/23/2022 | Summons | | |
| 2 | 6/23/2022 2:16:52 PM | Judge Assigned | J-2012 | David Hammer |
| 3 | 6/23/2022 2:16:52 PM | Party Added | P-001 | Robert Turner |
| 4 | 6/23/2022 2:16:52 PM | Party Added | P-002 | Peggy Turner |
| 5 | 6/23/2022 2:16:52 PM | Party Added | D-001 | John Andrew Goff |
| 6 | 6/23/2022 2:16:52 PM | Party Added | D-002 | MGI Leasing, Inc. |
| 7 | 6/23/2022 2:16:52 PM | Attorney Listed | P-001 | A-6678 - Mark E. Troy |
| 8 | 6/23/2022 2:16:52 PM | Attorney Listed | P-002 | A-6678 - Mark E. Troy |
| 9 | 6/23/2022 2:16:52 PM | Service Requested | D-001 | Filer - Out of State Sheriff |
| 10 | 6/23/2022 2:16:52 PM | Service Requested | D-002 | Filer - Secretary of State |
| 11 | 6/24/2022 11:25:20 AM | Judge Assigned | J-19001 | Debra McLaughlin |
| 12 | 6/24/2022 11:25:23 AM | E-Filed | | Notice of Judge Reassignment |
| | 12-1 6/24/2022 | Transmittal | | |
| 13 | 8/17/2022 12:07:33 PM | E-Docketed | | Service Return - LETTER FROM SECRETARY OF STATE: SUMMONS AND COMPLAINT FOR MGI LEASING INC ACCEPTED ON 08/08/22 |
| | 13-1 8/17/2022 | Service Return - LETTER FROM SECRETARY OF STATE: SUMMONS AND COMPLAINT FOR MGI LEASING INC ACCEPTED ON 08/08/22 | | |
| | 13-2 8/17/2022 | Transmittal | | |
| 14 | 8/30/2022 1:28:52 PM | E-Filed | | Notice of Appearance - Notice of Appearance of Jordan C. Hettrich, Esquire and Julie A. Brennan, Esquire |
| | 14-1 8/30/2022 | Notice of Appearance - Notice of Appearance of Jordan C. Hettrich Esquire and Julie A. Brennan, Esquire | | |
| | 14-2 8/30/2022 | Transmittal | | |
| 15 | 8/30/2022 1:28:52 PM | Attorney Listed | D-002 | A-12137 - Jordan C. Hettrich |
| 16 | 8/30/2022 1:29:50 PM | E-Filed | | Letter to Clerk - Letter to Circuit Clerk requesting docket sheet and docs |
| | 16-1 8/30/2022 | Letter - LT Circuit Clerk requesting docket sheet and docs | | |
| | 16-2 8/30/2022 | Transmittal | | |





Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

22-0359



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
866-767-8683
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9214 8901 1251 3410 0003 5301 63

MGI LEASING INC
TIM STUECK
2099 SOUTHPARK COURT
DUBUQUE, IA 52003

Control Number: 295443

**Defendant: MGI LEASING INC
2099 SOUTHPARK COURT
DUBUQUE, IA 52003 US**

Agent: TIM STUECK

County: Jefferson

Civil Action: 22-C-77

Certified Number: 92148901125134100003530163

Service Date: 8/8/2022

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your unauthorized foreign corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

SUMMONS

E-FILED | 6/23/2022 2:16 PM
CC-19-2022-C-77
Jefferson County Circuit Clerk
Laura Storm

IN THE CIRCUIT OF JEFFERSON WEST VIRGINIA

Robert Turner v. John Andrew Goff

Service Type: Filer - Secretary of State

NOTICE TO: MGI Leasing, Inc., c/o Tim Stueck, 2099 Southpark Ct., Dubuque, IA 52003

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Mark Troy, 222 Capitol St Ste 200A, Charleston, WV 25301

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

6/23/2022 2:16:50 PM

Date

/s/ Laura Storm

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to the individual's dwelling place or usual place of abode to _____, a member of the individual's family who is above the age of sixteen (16) years and by advising such person of the purpose of the summons and complaint.

☐ Not Found in Bailiwick

Date

Server's Signature

E-FILED | 6/23/2022 2:16 PM
CC-19-2022-C-77
Jefferson County Circuit Clerk
Laura Storm

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

**ROBERT TURNER and PEGGY TURNER,
Husband and Wife,**

Plaintiffs,

v.

CIVIL ACTION NO. _____

JUDGE: _____

**MGI LEASING, INC., an Iowa Corporation, and
JOHN ANDREW GOFF,**

Defendants.

COMPLAINT

COMES NOW the Plaintiffs, Robert Turner and Peggy Turner, by counsel, Mark Troy and the law firm of Morgan & Morgan, and for their Complaint against Defendants, MGI Leasing, Inc., and John Andrew Goff, allege, aver, and complain as follows:

PARTIES, JURISDICTION AND VENUE

1. At all times pertinent herein, Plaintiffs Robert Turner and Peggy Turner have been citizens and residents of 709 Morison Street, Charles Town, Jefferson County, West Virginia 25414. The Plaintiffs are and have been, at all times relevant herein, husband and wife.

2. Upon information and belief, Defendant John Andrew Goff (hereinafter referenced individually as "Defendant Goff") was, at all times material herein, a citizen and resident of 119 Waldon Road, Apartment C, Abingdon, Harford County, Maryland 21009.

3. Upon information and belief Defendant MGI Leasing, Inc. (hereinafter referenced individually as "Defendant MGI"), is and was at all times material herein an Iowa Corporation, doing business in Jefferson County, West Virginia, and throughout the United States. Defendant MGI is principally located at 2099 Southpark Ct., Dubuque, Iowa 52003. The registered agent for service of process on Defendant MGI is Tim Stueck, 2099 Southpark Ct., Dubuque, Iowa 52003.

4. On or about February 18, 2022, Defendant Goff operated, leased and/or maintained a 2015 Freightliner Cascadia Tractor Trailer motor vehicle with the implied or express consent of Defendant MGI, traveling southbound on U.S. Route 340, in or near Charles Town, Jefferson County, West Virginia.

5. On or about February 18, 2022, Defendant MGI owned and/or leased the subject 2015 Freightliner Cascadia Tractor Trailer motor vehicle that Defendant Goff operated, leased and/or maintained with the knowledge and consent of Defendant MGI while traveling on U.S. Route 340, in or near Charles Town, Jefferson County, West Virginia.

6. On or about February 18, 2022, Defendant Goff was an employee and agent of Defendant MGI or, in the alternative, Defendants were acting within the scope and course of, and in the pursuit and furtherance of, a joint venture. Specifically, they had agreed to pursue a single business enterprise for profit, for which purpose they combined their property, money, effects, skill, personnel and knowledge. Accordingly, if joint venturers, Defendants may be held jointly and severally liable for the Plaintiffs' damages which were directly and proximately caused by the negligence or other wrongdoing of one or both of them.

7. The motor vehicle collision at issue herein occurred, on February 18, 2022, at the intersection of U.S. Route 340 and Jefferson Terrace Road, in or near Charles Town, Jefferson County, West Virginia.

8. The events and circumstances, and acts of negligence and other misconduct of the Defendants giving rise to this civil action occurred in Jefferson County, West Virginia.

9. The Plaintiffs' allegations, described more fully below, arise from statutory, regulatory and/or common law obligations in the State of West Virginia.

10. The amount in controversy herein exceeds the minimum jurisdictional requirements of this court.

11. In light of the foregoing, venue and jurisdiction are both proper in this Court.

FACTUAL ALLEGATIONS

12. The Plaintiffs re-assert and re-allege the allegations and assertions set forth in paragraphs 1 through 11, above, as if the same were set forth, verbatim, herein.

13. On February 18, 2022, Plaintiff Robert Turner was lawfully and properly operating his motor vehicle on Jefferson Terrace Road, proceeding through a green traffic signal and into the intersection of Jefferson Terrace Road and U.S. Route 340 in or near Charles Town, Jefferson County, West Virginia, when the motor vehicle then and there being operated by Defendant Goff (and owned or leased by Defendant MGI) negligently ran through a red traffic signal on U.S. Route 340 southbound and traveled directly into the path of the Turner vehicle, causing a collision between the two vehicles. Defendant Goff was found by the investigating officer to have been solely responsible for causing the subject crash by failing to stop for a red traffic signal and he was cited for his failure to stop for the red traffic signal in violation of W.Va. Code § 17C-3-5.

14. Plaintiff Robert Turner was found by the investigating officer to be properly operating his vehicle on Jefferson Terrace Road at the time of the crash; accordingly, the officer concluded that said Plaintiff did not cause or contribute to the subject crash in any way.

COUNT I – NEGLIGENCE

15. The Plaintiffs re-assert and re-allege the allegations and assertions set forth in paragraphs 1 through 14, above, as if the same were set forth, verbatim, herein.

16. Defendants breached duties of care owed to Plaintiffs by negligently failing to obey the aforementioned red traffic signal, by negligently failing to maintain proper control of their subject tractor-trailer so as to preclude it from traveling into the path of the Plaintiffs' vehicle, and also by negligently failing to keep a proper lookout and otherwise negligently failing to avoid the subject crash. As a direct and proximate result of such breached duties of care, Plaintiff Robert Turner suffered severe and permanent personal injuries and related damages for which he seeks a recovery herein, and Plaintiff Peggy Turner, suffered and will continue to suffer a loss of spousal consortium for which she seeks an award of damages herein. The Plaintiffs' vehicle involved in the crash was also destroyed as a direct and proximate result of the Defendants' aforementioned negligent misconduct.

DAMAGES

17. The Plaintiffs reassert and reallege their allegations as set forth in Paragraphs 1 through 16, above, as if the same were set forth verbatim herein.

18. Plaintiff Robert Turner suffered severe and lasting physical and emotional injuries as a direct and proximate result of the motor vehicle crash that is the subject of this civil action.

19. Plaintiff Robert Turner has had to endure and can be expected to endure physical and emotional pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, annoyance and inconvenience, permanency of injury, and other damages as a direct and proximate result of Defendants' negligence which caused the crash of February 18, 2022.

20. Plaintiff Robert Turner has had to undergo medical treatment as a result of the subject crash, and medical expenses were incurred relative to the same, and he is likely to require medical treatment into the future for the injuries he suffered as a direct and proximate result of

the February 18, 2022, crash. Moreover, said Plaintiff has incurred a lost or diminished capacity to perform household and other services and has lost other economic damages as a direct and proximate result of Defendants' negligence which caused the subject motor vehicle crash.

21. Plaintiffs lost their vehicle involved in the subject crash and lost the use of such vehicle until a replacement vehicle could be obtained, and they were subjected to annoyance and inconvenience as a result of the same—all damages directly and proximately caused by the Defendants' aforementioned negligence which resulted in the subject crash of February 18, 2022.

22. Plaintiff Peggy Turner has suffered, and will continue to suffer, loss of spousal consortium as a direct and proximate result of the subject crash which, in turn, was directly and proximately caused by the previously described negligence of the Defendants.


PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, Robert Turner and Peggy Turner, hereby demand judgment against Defendants in such sums as will fairly and fully compensate them for damages sustained, together with pre-judgment and post-judgment interest, costs of the proceeding, attorneys' costs and fees incurred in the prosecution of this action, compensatory damages, and such other and further relief as the Honorable Court deems just and appropriate.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

ROBERT TURNER and PEGGY TURNER,

By Counsel:


Mark E. Troy (WVSB #6678)

MORGAN & MORGAN

222 Capitol Street, Suite 200A

Charleston, West Virginia 25301

Telephone: 304-345-1122

Facsimile No.: 304-414-5692

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

FILED | 8/17/2022 12:07 PM
CC-19-2022-C-77
Jefferson County Circuit Clerk
Laura Storm



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
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CLERK OF THE CIRCUIT COURT OF JEFFERSON COUNTY

PO BOX 1234
Charles Town, WV 25414

Control Number: 295443

Defendant: MGI LEASING INC
2099 SOUTHPARK COURT
DUBUQUE, IA 52003 US

Agent: TIM STUECK

County: Jefferson

Civil Action: 22-C-77

Certified Number: 92148901125134100003530163

Service Date: 8/8/2022

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your unauthorized foreign corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

Mac Warner

Mac Warner
Secretary of State

SUMMONS

E-FILED | 6/23/2022 2:16 PM
CC-19-2022-C-77
Jefferson County Circuit Clerk
Laura Storm

IN THE CIRCUIT OF JEFFERSON WEST VIRGINIA
Robert Turner v. John Andrew Goff

Service Type: Filer - Secretary of State

NOTICE TO: MGI Leasing, Inc., c/o Tim Stueck, 2099 Southpark Ct., Dubuque, IA 52003

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SERVICE:

6/23/2022 2:16:50 PM

Date

/s/ Laura Storm

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

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☐ Not Found in Bailiwick

Date

Server's Signature

E-FILED | 6/23/2022 2:16 PM
CC-19-2022-C-77
Jefferson County Circuit Clerk
Laura Storm

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

**ROBERT TURNER and PEGGY TURNER,
Husband and Wife,**

Plaintiffs,

v.

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JUDGE: _____

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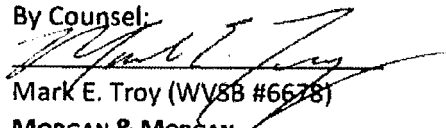
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, Robert Turner and Peggy Turner, hereby demand judgment against Defendants in such sums as will fairly and fully compensate them for damages sustained, together with pre-judgment and post-judgment interest, costs of the proceeding, attorneys' costs and fees incurred in the prosecution of this action, compensatory damages, and such other and further relief as the Honorable Court deems just and appropriate.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

ROBERT TURNER and PEGGY TURNER,

By Counsel:


Mark E. Troy (WVSB #6678)

MORGAN & MORGAN

222 Capitol Street, Suite 200A

Charleston, West Virginia 25301

Telephone: 304-345-1122

Facsimile No.: 304-414-5692

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

ROBERT TURNER and PEGGY TURNER,
Husband and Wife,

Plaintiffs,

CIVIL ACTION NO.: CC-19-2022-C-77

vs.

MGI LEASING, INC., an Iowa Corporation, **JURY TRIAL DEMANDED HEREIN**
and JOHN ANDREW GOFF,

Defendants.

NOTICE OF APPEARANCE

Kindly enter the appearance of Jordan C. Hettrich, Esquire and Julie A. Brennan, Esquire, and Pion, Nerone, Girman, Winslow & Smith, P.C., on behalf of Defendant, MGI Leasing, Inc., in the above matter.

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

By: /s/ Jordan C. Hettrich

Jordan C. Hettrich, Esquire

WVSB. #12137

jhettrich@pionlaw.com

Julie A. Brennan

WVSB #11225

jbrennan@pionlaw.com

420 Fort Duquesne Boulevard
1500 One Gateway Center
Pittsburgh PA 15222
412-281-2288
Counsel for Defendant,
MGI Leasing, Inc.

CERTIFICATE OF SERVICE

I, Jordan C. Hettrich, Esquire, hereby certify that a true and correct copy of the foregoing NOTICE OF APPEARANCE was served upon counsel of record via the Court's electronic filing system, this 30th day of August, 2022, as follows:

Mark E. Troy, Esquire (WVSB #6678)
Morgan & Morgan
222 Capitol Street, Suite 200A
Charleston, WV 25301
Counsel for Plaintiffs

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

By: /s/ Jordan C. Hettrich
Jordan C. Hettrich, Esquire
WVSB. #12137
jhettrich@pionlaw.com
Julie A. Brennan
WVSB #11225
jbrennan@pionlaw.com



West Virginia E-Filing Notice

CC-19-2022-C-77

Judge: Debra McLaughlin

To: Jordan Hettrich
jhettrich@pionlaw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

Robert Turner v. John Andrew Goff

CC-19-2022-C-77

The following letter to clerk was FILED on 8/30/2022 1:29:44 PM

Notice Date: 8/30/2022 1:29:44 PM

Laura Storm
CLERK OF THE CIRCUIT COURT
Jefferson County
PO Box 1234
CHARLES TOWN, WV 25414

(304) 728-3231
circuitclerk@jeffersoncountywv.org

PionLaw

E-FILED | 8/30/2022 1:29 PM
CC-19-2022-C-77
Jefferson County Circuit Clerk
Laura Storm

Jordan C. Hettrich
(412) 667-6232
jhettrich@pionlaw.com

August 30, 2022

Laura E. Storm, Circuit Clerk
Jefferson County Old Jail Annex
119 North George Street, Suite 100
Charles Town, WV 25414

**Re: Robert Turner and Peggy Turner v. MGI Leasing, Inc. and
John Andrew Goff
Case No.: CC-19-2022-C-77**

Dear Ms. Storm:

Please allow this correspondence to serve as a request for a copy of the docket sheet and service return for MGI Leasing, Inc., relative to the above-referenced matter.

Please forward the requested documents, along with any invoice, to the email address listed above or the fax number below.

Thank you for your attention to this matter.

Very truly yours,



Jordan C. Hettrich
JCH/lmc

PION, NERONE, GIRMAN, WINSLOW & SMITH, P.C. | pionlaw.com